



Order Filed on December 18, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1

DENISE CARLON, ESQUIRE

KML LAW GROUP, P.C.

Sentry Office Plz

216 Haddon Ave.

Suite 406

Westmont, NJ 08018

(215)627-1322

dcarlton@kmlawgroup.com

Attorneys for Secured Creditor

Deutsche Bank National Trust Company, as Trustee
for IndyMac INDX Mortgage Loan Trust 2004-AR10,
Mortgage Pass-Through Certificates, Series 2004-
AR10

In Re:

Francis D. Avella,

Debtor.

Case No.: 18-30162 VFP

Adv. No.:

Hearing Date: 12/6/18 @ 8:30 a.m.

Vincent F. Papalia
Judge: ~~Jerrold N. Poslusny, Jr.~~

**ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO DEBTOR'S
CHAPTER 13 PLAN**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED

DATED: December 18, 2018

A handwritten signature in black ink, appearing to read "Vincent F. Papalia".

Honorable Vincent F. Papalia
United States Bankruptcy Judge

Page 2

Debtor: Francis D. Avella

Case No.: 18-30162 VFP

Caption: **ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO
DEBTOR'S CHAPTER 13 PLAN**

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10, holder of a mortgage on real property located at 4306 Newkirk Avenue, Apartment#1, North Bergen, NJ 07047, Denise Carlon appearing, by way of objection to the confirmation of Debtor's Chapter 13 Plan, and this Court having considered the representations of attorneys for Secured Creditor and Herbert B. Raymond, Esquire, attorney for Debtor, Francis D. Avella, and for good cause having been shown;

It **ORDERED, ADJUDGED and DECREED** that Debtor shall obtain a loan modification by April 30, 2019, or as may be extended by modified plan; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Debtor is to make adequate protection payments in accordance with the terms of the note and mortgage while the loan modification is pending; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that the Trustee shall not make disbursements on Secured Creditor's claim while the loan modification is pending; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that the Secured Creditor does not waive its rights to the pre-petition arrears or any post-petition arrears that may accrue; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that if loan modification is unsuccessful, Debtor shall modify the plan to address Secured Creditor's pre-petition arrears, either by curing the arrears, selling the property, surrendering the subject property, or in a manner otherwise permitted by the code; and

It is **FURTHER ORDERED, ADJUDGED and DECREED** that Secured Creditor's objection to confirmation is hereby resolved.